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AUSTIN TX 78759

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MAR 02 2006

OFFICE OF PETITIONS

In re Application of :
Wheeler, Ripley and Leury : DECISION ACCORDING STATUS
Application No. 09/681,532 : UNDER 37 CFR 1.47(a)
Filed: April 24, 2001 :
For: System and Method for Determining User :
Identity Fraud Using Similarity Searching :
:

This is in response to the petition under 37 CFR 1.47(a), filed February 13, 2006.

The petition is granted.

Petitioner showed that Paul Leury, the non-signing inventor, constructively refused to join in the filing of the above-identified application after having been presented with the application papers via certified mail. In the Declaration of Facts, Attorney Douglas D. Russell stated that petitioner sent the application papers to Mr. Leury via certified mail to his last known address and requested that he execute the Declaration and Assignment documents. On July 11, 2001, Keitha Simpson signed the certified mail return receipt. In a letter dated August 2, 2001, Mr. Leury acknowledged receipt of the application papers; however, he refused to sign the Declaration and Assignment documents without compensation. A copy of the return receipt and the letter of August 2, 2001, accompany the petition.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to the Office of Patent Publications.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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1001 Hunter's Creek Drive
Cedar Park TX 78613

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LETTER

Dear Mr. Leury:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Christina T. Donnell

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